

**Fremont County Planning
& Zoning Commission
Minutes
November, 20 2006
6:00 pm
County Courthouse**

The Fremont County Planning & Zoning Commission met in regular session on November 20, 2006, in the County Courthouse. **Members in attendance were:** Evan Worrell (Chairman), Ron Kynaston, John Nedrow, Vance Derricott, Glen Pond, Kirk Mackert (Vice Chairman), Cindy Miller, Steve Pinther and Cindy Roberson

Staff and others present: Jeff Patlovich (P&Z Administrator), Molly Knox (P&Z Secretary), Owen McLaughlin (District 7 Health Dept.), Karl Lewies (Fremont County Prosecuting Attorney), Joshua Chase, Keith Richey (Fremont County Emergency Management Coordinator), Drake Munson (Developer)

The chairman called the meeting to order at 6:01pm

I. Minutes

November 6, 2006

**CINDY MILLER MOVED TO ADOPT THE MINUTES FOR THE
REGULARLY SCHEDULED HEARING ON NOVEMBER 6, 2006
AS WITH THE CORRECTIONS NOTED. SECONDED BY RON
KYNASTON. MOTION PASSED.**

November 13, 2006

**CINDY MILLER MOVED TO ADOPT THE MINUTES FOR THE
REGULARLY SCHEDULED HEARING ON NOVEMBER 13, 2006
AS WITH THE CORRECTIONS NOTED. SECONDED BY RON
KYNASTON. MOTION PASSED.**

1. Public Hearing – Rivers Edge on the Fall River – Henrys Fork Properties LLC

Mr. Worrell stated that the first item on the agenda is the Public Hearing on Rivers Edge on the Fall River, Henrys Fork Properties LLC. Jeff have the proper not been provided?

Mr. Patlovich stated that yes they had.

Mr. Worrell asked Mr. Patlovich to please report.

Mr. Patlovich briefly described the project being 46 lots on 254 acres including the relocation of Fisherman's Drive. In order to do this they will have to go through the abandonment process of the existing Fisherman's Drive. The internal subdivision streets will be private and there will be individual septic systems and well as individual wells. Two things not on the plat are on the easterly side there are some of the lots that do not have access on the map given. The road is the Marysville Hill Road that they will use as access. The handout given is of visually sensitivity of the area and this is in one but does not apply due to there is no section of Code that deals with visually sensitive areas in the North Fremont Zoning District. Stated that he just wanted to bring that to the attention of the board. We have received letters since the packets have gone out they are as follows: Dated November 17 letter from Cirrus Eco. Solutions, November 16 letter from Frank Vandersloot, November 15 from David Anderson, November 13 from Dick Seely. Any questions

Mr. Pinther questioned of if the fact of the visually sensitive issues could be addressed when the Comprehensive Plan is rewritten.

Mr. Patlovich concurred.

Mr. Worrell asked board if there were any questions. Requested the developer to give his statements.

Mr. Drake Munson developer of Rivers Edge of the Henry's Fork, Rigby ID. Born and raised in the area been here for 30 years, fished here and have enjoyed the area. Stated that he owns several properties in the county. Enjoys fishing on the Henrys Fork. Stated his concern for the area and the development that is going on. Stated the difference between what he has seen and what he wants to do with this project. The river front lots will have 300 feet each of river frontage. There could be many more lots on the property then what is being asked for. Feels that we are doing all possible to address issues with the wildlife. The property is next to own property and felt that they needed to be involved in buying the property rather than stand by and watch an out of state individual develop it. We initially were trying to find some conservation minded buyers to place a conservation easement on the property, we were unsuccessful in that so the next step was

to develop in a way that it would minimize the impact to water quality and wildlife. We want to move the road due to safety concerns and in traveling the road numerous times to our cabin. The road has many areas that need to be improved. Road would be moved at our cost not the tax payers. Feels that the development would benefit to the City of Ashton, with residents who will use local services. With the river front lots the road would be moved approximately 600 feet and with that those lots would be using advanced septic systems located 500 feet from river for the river. All would be required in the CC&R's The CC&R's are very restrictive, perimeter fences only except on property where horses are allowed, planting of trees is included in the development, weed control, fencing guidelines of the Fish and Game with openings every 400 feet or lay down fencing. We are trying to minimize fencing to keep an open feel. There is a center pivot on the property currently that in which 105 acres are irrigated and 150 is not irrigated. Most of which has not been farmed in any way or shape. Due to the farming most of the winter habitat for wildlife has been destroyed. What little wintering habitat there is we are trying to keep our design to minimize any impact to trees and wetlands. There are building envelopes any planting will have to be native plants and non invasive species. There is a park in the development design, underground utilities, and trail system in design. We are trying to do a nice subdivision with minimal impact. Our attorneys and Engineers are here also.

Mr. Pond questioned of the current road with how it is now, do you see it possible for the county to fix that road and the hazards you spoke of.

Mr. Munson responded that he does not see a way to fix it without moving it back onto the property, weather that be 100 feet or 300 feet. The places that are dangerous there is not enough of a shoulder to put in a guardrail or anything of that nature

Mr. Pond questioned of the lots on the Marysville Hill Road and if it is a road built to county standards?

Mr. Munson responded that it is a county road, there are three or four lots and we would be happy to improve it at our cost if it is not to county specs. I will look at it and believe that it would need improvements.

Mr. Derricott questioned the amount of accidents on the road.

Mr. Munson responded that he had never kept track and had no idea.

Mr. Pinther questioned if a hydrologist was hired for a study which was recommended by the Fish and Game.

Mr. Munson responded we had test holes dug and evaluated and there is a report and we have also had Owens guidance on the impact of whether or not the soils meet for septic systems.

Mr. Pinther stated that there is in addition to that the request for a hydrologist report to see what effects it would have on the Henry's Fork. Also questioned the trail system location and size.

Mr. Munson discussed where the trail was located and that it was 20 feet.

Mr. Pinther questioned why the park location? Is there something there that helped make the decision for the location?

Mr. Munson stated that due to there were trees, a pond and vegetation there currently, it seemed to be a good location.

Mr. Pinther stated that there is nothing there that has addressed what the Fish and Game has requested.

Mr. Munson stated that as he understands the Fish and Game statements are suggestions. But as long as we are in compliance with the Fremont County Development Code that we should be okay. The trees that they are talking about are the ones that run up and off of the property onto the Marysville Hill Road.

Mr. Pinther questioned the location of the building envelopes and the pond for the wildlife corridor.

Mr. Munson responded that we have the ability to move those building envelopes between preliminary and final plat. And I would absolutely love to walk the property again once the roads are all in. I have walked the property many times and it will be easier to identify the location of the building sites once those are in.

Mr. Derricott questioned wouldn't it be good measure on your part to have a hydrologist check for the potential contamination of the Henry's Fork of insulation of future sewer systems.

Mr. Munson questioned on if that was a requirement of the code?

Mr. Patlovich replied that no it was not.

Mr. Munson stated that it is something that we could look at in the future. Again we are happy to require septic systems, but the type of system varies due to the soil types and due to the variation of soil types on each lot the septic systems will vary. District Seven Health and would love for them to be as restrictive as possible on all the septic systems.

Mr. Derricott questioned the letter from a concerned citizen on the old county landfill which was closed down due to potential contamination of the river. This is located a mile above the proposed project. I would like to see a study done on that. Questioned if large scale development?

Mr. Patlovich responded no.

Mr. Pinther questioned the road being that it is a controversial issue. You say that with moving it safety will be ensured. But you are adding a lot on driveways and the subdivision access points in a half mile stretch. That will be quite a bit of traffic coming onto the road from your development. They may be all visual areas but that is quite a bit more. Are you opposed to the road staying where it is and be upgraded, what is your comment on that?

Mr. Munson stated that if the road were to stay where it is we will need to come back with a different plat, and we would look at increasing our density substantially. It would be considered large scale development. That is not our goal to increase the density, but if the road were required to stay where it is at then we would be coming back with a plat that is more then likely double the density of the current subdivision being proposed. Which I would think would only add to the inherent danger of the existing road that is already in place.

Me. Pinther questioned if he thought that those lots are of that much value?

Mr. Munson stated I hope so. I think that there is a value, it is an entirely different value. To have a county road between a build site and a river I think there is an extremely large value difference.

Mr. Worrell questioned the letter submitted from Weldon Reynolds in regards to the road.

Mr. Munson stated I did submit the old letter which I thought was that that letter was still current and applicable to the property. However a new letter was submitted within the last 30 to 40 days.

Mr. Worrell questioned of wetlands on the property?

Mr. Munson responded that there were a few wetlands around the ponds, that have our setbacks to not impact the wetlands.

Mr. Worrell stated that according to the soils survey that Fremont County has, it shows four different marshes or swamps on the property. Two of them are the ponds the others are to the north and part way down.

Mr. Munson stated that I am assuming that ponds are part of that, the one to the north is in a gully that we will not affect with the build sites.

Mr. Worrell questioned the nature of the water getting to the ponds. Is there a stream?

Mr. Munson stated that there is a stream, that he believes is Strong Creek which comes off of the Dotson property off of the Marysville Hill Road and comes to the pond and down to the river.

Mr. Worrell questioned if the water was year round in the ponds?

Mr. Munson stated been watching and there has been water in it every time that I look at it to a varying degrees. I would suspect that in a drought year it dries up but I am guessing that it runs year round.

Mr. Worrell questioned if he wanted his people to make their comments.

Mr. Jeff Freiberg 356 West Sunnyside Idaho Falls ID. Engineer on the project and I am going to speak on the road relocation. We have been working close with Fremont County Road and Bridge and Fremont County Planning & Building on the road and vacation of the current road. There is nothing in place currently in the county on that but we are working closely with them concerning this. Working close with Weldon on the new road and being sure it is up to county standards with the materials used. If there are soft spots as we were building would have to over excavate and add a sub structure of the county road. Will be sure that the road is up to county standards, with a of minimum federal highway standards of a 35 mph design which would take the sharp curves out of the road. The existing there are many of those. What we are planning on doing it would be a 20 year design life. Cost on the developers dime. Along with that we would look at the storm drainage and design of that working with the EPA and do a storm water prevention plan to minimize the pollution to the Henry's Fork. We have been there and dug test holes in coordination with Owen and District Seven Health. Work to have every lot have septic and drain field mapped. Each will have to do own test hole upon septic application with District Seven Health.

Mrs. Miller questioned the weight load of the road would be with construction.

Mr. Freiberg stated that he can't really say off top of head but think of a 18wheeler on the road. Will find out information and get it to you. Stated that it will support all farming equipment.

Mr. Pinther stated that you spoke of vacating the old road. And if there was a possibility of maintaining it as a non vehicle path that the county would maintain. Have you any thought on that?

Mr. Freiberg stated that I have not given that any thought, I would have to speak to the developer and Fremont County Planning to see their thought.

Mr. Patlovich stated that there is a abandonment procedure in the Idaho Code, that will be followed. They would be doing the amendment following the construction of the new road. There will be fine timing for the roads adopting the new road and abandoning the old road. They would be done as closely as possible so that there is not a time of no road.

Mr. Worrell stated that was Idaho Code 40-203.

Mr. Freiberg stated that I agree with that we would build the new road to alignment and opened to traffic by Fremont County then we would take care of demo on the old road.

Scott Eskelson attorney of the developer 425 South Holmes Ave. Stated that this is the first time to this county but have done this for along time. Your job is balance; your task is to balance between community interest and developers request. All are dealing with the views of everyone. I am familiar with the area, and moved back due to my love of the out doors. As Mr. Munson has pointed out there is nothing sating that there is visually sensitive area. The road is a road for transportation, it is beautiful but not a scenic byway such as the Mesa Falls Scenic Byway. Accidents that would be reported statistics would be available from the Idaho Transportation Department and not dealt with by ones own self. The developer has done this to be an economic viable project to him but also balance so it does not destroy the area. He could have a larger amount of building permits with the density. Traffic on the road would be more then it is right now but it will grow no matter what. If the road is moved the people on the river will not see as much as they would with how the road is currently. Mr. Patlovich mentioned the procedure on vacating the road that is contingent upon the new road being constructed. There have been new materials submitted that suggests some cases in other states talking about the scenic values. There are not from Idaho. The code had set up the balancing process, they are not procedures for the county in this area.

Mr. Worrell any questions from the board?

Mrs. Miller questioned water rights on the property, who they belong to and what their purpose is?

Mr. Munson stated that there are 150 shares from Palisades water district. There is also a diversion permit from the state on the stream that is on the property.

Mrs. Miller asked that if they are from Palisades have they been designated for a specific purpose?

Mr. Munson stated that I do not believe that they have been. Checking with my water rights attorney he said there should be no problems and that we can use the water rights to maintain the growth of native grasses.

Mrs. Miller stated that that is your opinion but we would like some proof on that the water can be used on residential and not agricultural.

Mr. Munson questioned if there has been a case in the past that that has not been allowed? I am just asking.

Mr. Eskelson stated that the water rights as I understand they are from Palisades Water Users Association. It is the storage water from the Palisades Reservoir. Under the current Idaho Code it says that you cannot water more than 1 acre from a domestic well. There are water shares that can be transferred, and still be used onto sagebrush or any other type of alfalfa or grass is considered irrigation.

Mr. Mackert stated that if that were the case then a water delivery system would be put on the property.

Mr. Eskelson stated that if the developer wanted to do that, then yes.

Mr. Mackert questioned of what water is from on the pivot.

Mr. Munson responded that it is the shares that are irrigating the property, there is a pump on the river and an underground line that goes to the center pivot. And that would be used to irrigate the lots.

Mr. Mackert stated that current use is for crop irrigation correct?

Mr. Munson responded, correct.

Mr. Pinther questioned on the non vehicle traffic on the old road and if that would be a consideration as a public easement.

Mr. Munson stated that he is not interested in that and if that were required I would come back with the plan of a higher density and would not pay for the improvement of the road.

Mr. Pinther stated that you keep saying that and assuming that the proposal that you have passes it had not been determined if the scoring passes or not by the commission.

Mr. Patlovich stated that if you choose to score it and it fails on any one of the absolute standards then it fails and you need a positive to pass on that. That is not a requirement of the commission to go through each development that comes in but it is your choice.

Mr. Pinther stated that we can score it though if we choose.

Mr. Munson stated that our true goal is to come up with a project that balances our interests and the public's interests and to come up with a plan which we think we have presented to you at this time that balances the interests of both parties.

Mrs. Miller questioned how many public accesses there are going to be from the proposed new road to the river?

Mr. Munson stated that there will be none and that there are none now. There is no public access at this time. The road has a right of way of 60 feet which is public access,

but the closest that the road comes is not 60 feet. So whether you trespass for 10 feet or 10,000 feet the property is still privately owned. There are no public accesses.

Mr. Worrell questioned if there were any other water pumping through the property of other individuals?

Mr. Munson stated no.

Mr. Worrell reminded public that their comments are to pertain to the merits of the project and opened it to public hearing.

Brad Purcell, lives at 3611 Fisherman's Drive and own property on Fisherman's Drive. Apologized to public and the commission for his behavior at the last meeting. Mr. Munson stated that he had concern of the safety; the most dangerous part is by the bridge. It is used mostly for and by fisherman and for recreational use. It is mind boggling why someone would move that road except for the balance in their checkbook. Why the property can't be developed without moving the road. Why taxpayers should have something taken away. I have spoken to the man who currently owns it and I am interested in developing it. Not with the 9 river lots. Scenery and wildlife has diminished in the last few years, this will only make it worse.

Mr. Derricott stated that if we do not allow him to move the road then he will come back with a higher density? In a threatening manner I may add.

Mr. Purcell stated his concern with the rest of the bad areas on the road. And that all are not going to be happy with decision made.

Steve Traften 83 Hidden Estates Lane, Henrys Fork Foundation Executive Director, issue concerns with project. Not traditionally gotten involved with P&Z issues. Has list that will hand out. First public access, there is none on the current property and all the way down there are not many. For years access has been an agreement with land owners and the public. Works with that section of the river, the fishery is healthier there and it is the most popular section. It is hard to access unless you have a boat. This is a used area. The moving of the road will eliminate that section of the river unless a boat is used. The walk and wade fisherman will not be able to do that unless they get in lower down stream and wade up, which is hard. Stone Bridge is primarily boat access. Economic values, John Loomis study, angling of the surrounding areas. River, anglers fishing the river, and spending money coming here and recreating here could support in 850 jobs directly or indirectly and could generate about \$30 million in income to the local economy. If anglers are not on the river because they can't get to the river they are not here spending money. Wildlife impacts, there are significant raptor, wetland, and wooded habitats on the property on the proposed development. Which are valuable in own right but stringers that connect the river corridor and the upland migration corridor on public land. Big game corridors, look to Idaho Fish & Game letter and US Fish & Wildlife letter of concerns please consult with them. Water quality, when you have 50 proposed lots next

to the river with individual septic systems, there is a real concern with erosion and runoff. Take these concerns into consideration.

Kip Martindale 664 N 4500 E Ashton ID. Comments attached in public record.

Dick Seeley 1601 N 3475 E just North of Ashton. Stated the he lives down river a quarter of a mile from the proposed development. My testimony is based on 70 years of living in a place that my grandfather homesteaded. Not scientific bases. One thing found was that the developer states that it is our desire to preserve and protect it. He is talking about the Henry's Fork of the Snake River when he says "it". I don't see how with 40+ lots. Sewage is sewage and it has to go somewhere. I own 1 mile of Ashton reservoir banks and Willow Creek. There is brownish cast over the water and it is nothing but pollution from upstream. Another example in 1984 the Ashton dump was closed for several reasons but one reason was pollution of the river. It is in close proximity of the proposed development. Soil samples and such are needed; I will tell you of my well, drilled 113 feet deep of lava outcrop. 30 feet first trickle of water. Lava does not get rid of the sewage or the contaminants in the water. Movement of the road has been covered. Other people need to be considered then just the developer and the people who live on the road. In the close proximity of that road and there have been no accidents that I am aware of. There are many other roads in the county that are safety hazards in the county. Economic factor is the reason to move the road. Farm ground, if that is an unproductive farm then most of the county is unproductive. It may have been prior to the water being placed on it. But I can attest to the crops on it since the water irrigation has been done. I am not opposed to development but I am opposed to where it is at.

Matt Lucia 540 W 1050 N in Felt. I am a Wildlife Biologist and Land Use Protection Specialist, I Work for Teton Regional Land Trust. I am speaking on and behalf of adjacent land owners. Referenced large map and map handed out to board. I am speaking on behalf of landowner outlined in green to the west of the subject property. We hold the Conservation Easement on the property in green, the reason we hold the easement is stated in our baseline documentation which is a scientific approach to evaluating the resources of the property. A conservation easement on the Henry's Fork Ranch has a high reason for value because 1- property serves for a rich transitional and migratory habitat. 2 – easement on Henrys Fork Ranch setting is in views. 3 – lifestyles and values. The property has IRS recognition. Land Owner to continue farming and ranching 392 acres to be protected. It is wildlife habitat and visually sensitive landscape. Conservation plan of Ag uses on the property. We accepted this due to open space and public values by a recognized public agency. Chapter 7 division 3 land use compatibility. Is it compatible with the surrounding areas?

Beverly Thomas I live closest to the development going in. I live across the river and the development will obstruct my views. I can't stop progress but I can oppose it. The fisherman will not be able to see the eagles and the osprey. I also agree with the water issues. There is swamp located there and moose go there to feed. The road, if improved will be on his section only. He is not improving anything that needs improvement. This will be detrimental to the whole view from and of Ashton.

Mr. Worrell questioned what property is surrounding your property?

Mrs. Thomas answered that it is all agricultural land.

Frank Vandersloot – 2880 N 55th W Idaho Falls I do own 3600 acres in Fremont County, some of which touches this proposed property. Thanked board for what they do. Not arguing against development but the road. I bought all property to not be developed. I have not sold an acre of property to development. There are many reasons to develop the property, I do not know how long people will live in Fremont County, but that river will still be there. That road meanders close to and away from the river, if you approve this you will deprive them of the river for generations to come. There are not many areas that are that close to the river. 9 lots would be about \$300,000.00 a lot as per my attorneys. I feel that it would be a shame to deprive the public of that view for the few individuals that would be able to see it. Please do not approve them to move the road. If you do approve the development do it without the moving of the road.

Mr. Derricott stated that I will ask you the same question as before. They say that they will bring more density in. What would you choose?

Mr. Vandersloot stated that I would choose the higher density then moving the road due to the river scenery that will be taken away.

Arthur Selveta 9966 North 26th East Idaho falls – From the Conservation of Snake River Cutthroats. A lot of the material that I have has already been covered. We have members that live there and fish the area. The Planning and Zoning Commission cannot make the law but they can make sure their decision is in the best interest of the public. The developer's idea to move the road would be to the favor of the developer not the public. Access through the high watermark would be a real hardship on fisherman. You cannot see the eagles and the birds in the areas due to there are houses, more houses will decrease them even more. We ask for a community sewage system that could be connected to the Ashton sewage system, to protect the Henry's Fork. We ask that the setbacks be 300 feet from the river. Stated concerns with access to the river and the fencing issues that were stated in the Fish and Game letter.

Tom Howell 4275 Cave Falls Road I have operated the property we are discussing for 20 years. I was surprised as were others when Mr. Patovich's LESA evaluation came back that this land was unproductive. Of the 266 acres 134 are irrigated with main lines and hand lines and we have produced stats of crops taken off of it were given. As I understand the LESA system it takes into consideration the soils on the property. With the proof of the soils it will not prove any different then it already has. On question one and question 2 on the questionnaire it asks to score the adjoining property and Mr. Patovich scored them as a point one. He needs to check assessor's office and FSA, due to adjoining property is under a CRP contract and is deemed as active agriculture and the other is an active cattle operation which is also agricultural land. Point made to Mr. Patovich for further evaluations. Moving roadway will take away from people of

Fremont County. There have been at least 3 public access points at the giving graces of the landowner. If they do move that road they will need to build to the pounds of 80,000 and 90,000 pounds. There is a school turn around, that will be taken away and a metal spud cellar that will be torn down. I have had surveyors all over my crops over the summer, wetlands and swampy ground I know where it is and there are two roads and many home sites located on those locations. We did look at the potential of development with the previous landowner. But with these new owners it seems to be all or nothing.

Mrs. Miller questioned if there is a current culvert for the existing swamps and ponds.

Mr. Howell answered yes there is and historically the water will run year round.

Kevin Lee 1984 Rexburg ID. Express feelings of late father and the Seeley's. The primary goals of my family are to keep as it is and to protect the elk, deer, and birds that graze the ground still. I grew up on the property and have great ties to the land. I should be overjoyed with the development due to I own land across from Dick Seeley due to it will bring up my property values, but I am not. I have seen in 40 years potatoes and barley and grain and with the water for the last 20 years it has been even better. Due to the Code , 1 in 40 or 1 in 25, there is a stream corridor. I have concerns about the sewage systems and the contamination of the year round creek. There is bed rock across and straight down to the river. Year round you see springs along the river especially along the water corridors. I think that you ought to look at the scoring of the project. Critical slopes, all are scored negative. Score it yourself please take that opportunity. Redefine the meaning of productive farmland. I feel a Hydrology study should be done on the property. This is thin soil that over lava rock.

Mrs. Miller questioned that you stated that you have seen wild animals all winter long grazing on the agricultural ground.

Mr. Lee replied that yes the animals are picking potatoes all winter long. There are elk that winter there. Questioned if they had proposed an erosion control plan? I am personally opposed to the project.

Jeff Moss 2880 N. 55th W. Idaho Falls. I have farmed over in Antelope Flats and still do. I represent Mr. Vandersloot. The safety of the relocated road has been a huge discussion tonight. They say it is for safety, there are many other things to do to make it safe other than move it. Also has been stated that the land is non agriculture land and I think that it has been pointed out tonight that just because it is in CRP doesn't mean it isn't agricultural land. Chapter 7 Section W.6 of FCDC says that you can take into consideration the effect that this project will have on public scenic views. Much more than obstructing it they are taking it away from the public. Also the LESA that has been preformed, it states that it is not irrigated land. It is and that should be addressed. There is a specific procedure that needs to be followed. Idaho Court has not faced this before. So they take from other areas that have dealt with it. Read from Georgia case on vacating a road. Sums up the sentiment of the vast majority.

John Nolan 1000 Wheatstone in Idaho Falls Realtor representing the Munsons – access is an issue and it is not a public access there are only a few who have permission from the current landowner. I have represented fly fishing committees in the past. From that I have learned there are situations that the road has drained and runoff has affected the fish and the river itself. Moving the road would help in that aspect. The people who would purchase the properties are probably going to be outdoorsmen. Most would be fly fisherman and they tend to take care of the river more then others. You would be inviting in the people that would benefit the entire community. Easements reduce the tax base in the county. Example of North Fork Highlands is pretty easy to say that most are an assessed value of \$500,000.00 which is \$25,000,000 a year which the county would collect in taxes if the 50 lots are approved. Easements do not benefit the county. The property has 150 shares but only if Palisades is full and if not then water has to be brought in. Water is not a guaranteed deal. Again I do not know if the road is safe or not but there is time and money that will not have to taken out of the county.

Mr. Worrell questioned if Owen had been to the property.

Mr. McLaughlin I have been there and it does meet the minimum requirements on the rules that we enforce. Drain fields 200 feet from surface water.

Mr. Pond stated that when ground is farmed there are surely chemicals that go into the river.

Mr. McLaughlin stated that there are high nitrate levels in the area, that may be from that.

Mr. Pond responded if there would be a difference in a septic system leaching in comparison to what the chemicals are doing.

Mr. McLaughlin responded that if installed properly within the 200 feet requirements the sewage should not reach the river.

Mrs. Roberson questioned Mr. McLaughlin if he would take a drink from the river at the base of the property if developed.

Mr. McLaughlin responded no.

Mr. Mackert questioned the high density of the lava on the proposed lots on the river. Questioned if Owen had done any samples in those locations.

Mr. McLaughlin stated that I have looked at Mr. Munson's property, which is adjacent to the property. He has a septic system on his lot.

Mr. Worrell questioned Weldon if he had anything to say.

Mr. Reynolds responded no but he would answer any questions.

Mrs. Miller questioned how traffic has been diverted if accidents on the bridge.

Mr. Reynolds responded that it is diverted through Mesa Falls or Bear Gulch or Warm River. But not on Fisherman's Drive that I am aware of.

Mrs. Roberson questioned how wide the road is currently.

Mr. Reynolds responded 24 foot asphalt surface that is very limited in places due to the geography and topography of the area.

Mrs. Roberson questioned if it were possible to widen the road in areas with a dozer or to dynamite areas for fisherman.

Mr. Reynolds responded that with enough money there are always ways to fix things. So yes it can be done but it will be very costly. We went in two years ago and tried to make it as safe as possible with the removal of material. We could widen it more but again it would be quite costly to do.

Mr. Pond questioned if we were to vacate the current road and allow the developer to move the road into that development as proposed, which gives you many accesses onto the county road. Do you care of the amount of accesses onto the county road?

Mr. Reynolds responded that we have not had a written policy but we have encouraged the public to place them in areas with the best visibility for all. That is being changed. The other thing is looked at is the speed of the traffic on the road in the areas.

Mr. Pond stated if this happens then the speed will increase.

Mr. Reynolds responded that usually yes that is what happens.

Mr. Pond stated that his concern is the amount of accesses in a short amount of area.

Mr. Pinther stated that following up on Glen's concerns, would it be safer to have the road moved with 13 accesses or to widen the current road?

Mr. Reynolds stated that he felt the current road widened would help but the moving the road would be the safer of the two.

Mr. Nedrow asked if this has happened before, is there a policy for vacating? Do the Commissioners look at it favorably or is it a procedure that they do not like to do.

Mr. Reynolds stated that it has happened and can and if the procedure is followed then yes it can happen.

Mr. Worrell asked Mr. Richey do you want to comment?

Keith Richey from the Emergency Management Department, from an emergency management aspect we do not have issues. If it does go through we ask that Firewise is followed through with the homeowners. But extreme cold, and ice jams have been an issue from an EM standpoint.

Mr. Worrell asked if there are any other letters or phone calls?

Mr. Patlovich stated that he had received numerous phone calls but he felt that everyone was in the audience and had spoken. And there were no other letters.

Mr. Pinther questioned if North Fremont Fire District had responded. Were they notified?

Mr. Patlovich answered that yes they had been notified but he did not recall seeing a letter form them.

Mr. Worrell questioned if there was anyone else whom wanted to speak?

Jared Lee 23303 Lakeview Dr. 98043 Washington – representing his mom – Mother was approached to purchase property for \$6,000 to \$7,000 an acre due to she owns the neighboring property. Considered purchasing property and putting into a conservation easement, but with that price all you could do was develop it. Listened to radio and said that Fremont County is updating code and want to protect farm and agricultural land. Those farmers are the people who will be using the doctor's and the tire stores and restaurants of the area, not the weekenders. As for the asphalt comment on harming the river, I have never heard of that before this. If this section of road is dangerous, there are other sections of the roads are much more dangerous than it, why not fix them. There are other areas that are worse, stated areas. Stated that there are two things that you will always remember of going up to Ashton, noticing the Tetons and the Ashton Hill. To have a development of that size it would change the scenery of the area. They do not care about the locals, that is where checks and balances come into play.

Mr. Worrell questioned if there were any other items or issues that anyone wanted to address.

Mr. Vandersloot stated that we were told this development could bring in \$25,000,000 in taxes. I would check into it. The road, I have never thought that the road is dangerous, driving it for years and I have never thought that. Asphalt close to the river, the road kills the fish in the river that never occurred to me before.

Ben Peterson 403 N 2700 E our property is in the canyon next to the river there. There are streams that come out underneath the property there. The game migrates through there and stay until they can push far enough north to come through.

Brad Purcell stated that we have a realtor and developer whose motivation is financial gain, and the rest is Fremont County who will not benefit from this.

Mr. Seeley stated the poor excuse for development to increase taxes.

Matt Lucia stated that in this room there are five land owners who we represent. Clarify conservation easement the taxes are paid by the land owners, the taxes are still there.

Drake Munson stated that first I would like to address safety of the road issue, there are several land owners who have given letters stating that they feel the road is safe. Also as Weldon spoke and there are concerns of the access points of the main road and the subdivision this is also supervised by the county. The letter concerning the access onto Highway 20 from IDT stating that they do not see traffic patterns being affected. Interesting, and do not deny that there are crops grown on the property. I pointed it out that we used the higher of the two values in the LESA. I feel it has been completed correctly. Also we feel that we have paid attention to the wildlife read the letter from the Department of Fish and Game. We are not adding to the problem, there are many more subdivisions with much higher density. There are many studies concerning water quality. Read from article. Also testimony from Mr. Seeley on wind blowing a dark color across the water, and the highest pollution is from farms. Also asked of would drink water from the Henrys Fork. We need to look at scientific data not personal data. We are not going to allow in the CC&R's any pesticides on the grasses or the lots. There is a lot of talk on motivating factor being money. With 46 lots we are not anywhere near the maximum density of the property. I am not a great person but I am approaching this with a level head.

Mr. Pond requested him to look at accesses and the possibility of shared access and how he expected to control where the lot owners put their access.

Mr. Munson stated that Lot one will access it self, Lots two and three will share and Lots four and five will share and six and seven and eight and nine and that it would be on the plat of where the accesses were to be located. Stated that every lot on the North side of the road will access off of the interior roads.

Mr. Pinther questioned of the conservation groups in the audience and if you have spoken to any of them on at least doing a partial conservation easement. The main thing that we have heard tonight is the river and the views. I feel that the road and the wildlife are issues that will need to be checked in the scoring. Have you worked with either one of the groups?

Mr. Munson stated that initially I made phone calls at first looking for conservation easements. When I was not able to be successful on finding a buyer that was interested in the land I decided to go with a development that we are proposing. Understanding is they are not interested in smaller properties. There are many things that we are trying to do so that we are maintaining the integrity and minimize the impact of the property.

Mr. Pinther questioned the stream corridors. If we can address this road issue with some group to maintain the integrity of the scenic views of the river.

Mr. Munson I apologize I am not trying to be threatening, I am trying to put in something nice. I do feel there are some viable options but I do not feel that they are better for the property or the area. Encouraging a higher density is going to increase the amount of septic systems or a sewage treatment plant. I am trying to balance the property.

Mr. Pinther questioned if we had scored this project yet?

Mr. Munson responded I thought it was scored by the Planning and Zoning office and we scored a 14.

Mr. Patlovich stated that this board has the right to review and rescore the project.

Mr. Worrell stated that otherwise we would not be here.

Mr. Mackert stated that with some of the testimony that has been given on this that there are on wetlands on the property? Stream corridors? As far as I know we have not been given any indication of that.

Mr. Munson replied that the way that it was designed was to avoid the areas that are considered wetlands. Locations of the wetlands are top NE corner which is the bottom of the gully, the two ponds, and wet areas between the big pond and pond that is on the Dotson property. In the past we have done groundwater studies, and we can do the same thing here before we issue a building permit. I am extremely confident that there are build able areas on every one of these lots that would not impact the stream corridors or the wetlands.

Mr. Mackert stated that you spoke earlier on maintaining the quality of the river by not seeing automobiles and such as you are on the river, but to see a home is okay. I think that is a contradiction

Mr. Munson replied that he did not say that, his attorney did. And I am trying to have it not look like Box Canyon with homes every 75 feet, I am trying to have it every 300 feet. If I was a billionaire I would buy everything and keep it to myself.

Mr. Mackert questioned at what price should the county have to pay for the loss of the visual views.

Mr. Munson read I would like to address that, another comment that was brought up and I am not a tax expert. But there was a census done in Fremont County. In 1990 the Census Bureau looked at Fremont County and they looked at industry which includes agricultural, forestry and fishery and it was 22.6% of the economy. There has been a total 10.5%. Over a 10 year period there has been a great loss of percentage. We have a cabin and we eat here buy gas here, pay taxes, and donate to foundations in the area. At what price is asked and it is a hard thing to balance. This would be a benefit to the county as there are other benefits to the county.

Mr. Derricott commented that when you originally addressed us you stated that you have your own cabin. Isn't it true that you do not live there, you use it as a rental cabin.

Mr. Munson responded that yes we have it as a vacation rental, which we have checked with local codes and there are no issue with it.

Mr. Derricott stated that you told us originally that it was your own personal cabin, not that is was a weekend rental.

Mr. Munson responded that it is our own personal cabin, my wife and I own it but we have it on the internet as a weekend or summer rental. We had someone there all summer who was buying food at the grocery store, gas at the gas stations, and eating at the restaurants.

Mr. Pinther stated that wanted clarification as to where open areas are.

Mr. Munson questioned if the pond, park and walking paths are open areas.

Mr. Pinther questioned if the steep area is or is not open area?

Mr. Munson responded that it is not.

Mr. Mackert questioned what type of weed control will you have on the property?

Mrs. Munson stated that we plan on using natural products as per the Fremont County weed control board. There will be strict CC&R's on the property.

Mrs. Miller questioned how do you control weeds on your own property?

Mr. Munson stated that I have controlled ours on our property with a weed whacker.

Mr. Worrell any other rebuttal or clarifications?

Mr. Vandersloot I need to make clarification on the safety. I feel that the individuals who travel down these roads should be thought of when we talk about safety, not those who have a financial gain if the development goes through.

Mr. Munson I do not want to overemphasize the safety of the road. It is about keeping the density as low as possible.

Mr. Thomas 1475 N 3619 E. married into family that owns property across the river. The hunters have moved them out. As far as accidents on the road, 52 years no cars gone off of the road. It he road is ruining the fishing along there then why are all of the hotshot guides along fishing there. If cabins are put on there tell them to go not over the river. The people who have the cabins on the river are all tax write offs including the

developers. Road being brought up through the middle of the property at \$350,000.00 per lot. And they will be into the county complaining about everything possible.

Mr. Howell reinstated how he feels.

Mr. Worrell stated that if there are not other comments then public hearing is closed and now it is for the board to discuss.

Mrs. Roberson commented that I think we need to look at the scoring first.

Mrs. Roberson motion for a break

Mr. Pinther seconded motion.

Mr. Worrell Motion carries.

Mr. Derricott I make a motion to go back into session.

Mrs. Roberson I second the motion.

Mr. Worrell motion carries.

Mrs. Roberson I make a motion to have a work session on this project to go over the scoring of the project at the December 4th meeting and make our decision at the January 8th meeting.

Mr. Derricott seconded the motion.

Mr. Nedrow questioned and discussed what was on the agenda of those meetings.

Mr. Worrell a motion has been made and has been seconded, all in favor, motion carries.

9. Adjournment-

Mr. Pond I make the motion to adjourn.

Mr. Kynaston I second the motion.

Mr. Worrell we have a motion to adjourn that has been seconded. We adjourned at 9:29.